

REMARKS

In the Office Action, the allowability of Claims 1-6, 10 and 11 was withdrawn based on newly cited references; the drawings were objected to under 37 C.F.R. § 1.83(a) as allegedly failing to show every feature of the invention specified in the claims; Claims 1 and 8 were objected to as allegedly containing informalities; Claims 1-5 were rejected under 35 U.S.C. § 112, 1st paragraph, as allegedly failing to enable one skilled in the art; Claims 4 and 5 were rejected under 35 U.S.C. § 112, 2nd paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention; Claims 1, 4 and 6 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated U.S. Pat. No. 5,846,047 to Riekk; and Claims 2,3,8,9,11 and 12 were rejected under 35 U.S.C. § 102(b) as allegedly unpatentable over Riekk in view of U.S. Pat. App. Pub. No. US 2002/0076312 to Schatzler et al.

In this Amendment, Applicant has amended Claims 1-6 and 8-9; thus, Claims 1-6, 8-9 and 11-12 are pending of which Claims 1 and 8 are independent claims.

In response to the drawings objection under 37 C.F.R. § 1.83(a), Applicant proposes amending Figures 1 and 2 as discussed herein and respectfully requests entry of Replacement Figures 1 and 2 and removal of the drawings objections.

With respect to the objections to Claims 1 and 8 for informalities, Applicant has suitably amended Claims 1 and 8 as indicated herein; thus, Applicant respectfully requests removal of the objections, reconsideration and allowance of Claims 1 and 8 for the reasons discussed below.

Claims 1-5 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to enable one skilled in the art. With respect to Claim 1, the Office Action states

that first and second stop means are neither shown in the drawings nor described in the Specification. Applicant respectfully submits that the first stop means includes linear transmission means 18 and second motive force 19 as described, for example, on page 2, lines 18-22 and 28-32 of the originally filed Specification and Abstract. As recited in originally filed Claim 1 and shown in FIG. 2, the [first] stop means holds the longitudinal member in an access position on the base member. Likewise, Applicant respectfully submits that the second stop means includes second mounting 20 as described, for example, on page 2, lines 22-25 and 32-33, continuing to page 3, line 1 of the originally filed Specification and Abstract. As recited in originally filed Claim 1 and shown in FIG. 2, the [second] stop means holds the base member in an access position.

Regarding the rejection of Claims 2-5 under 35 U.S.C. § 112, first paragraph, Applicant has suitably amended Claims 2-5 as indicated herein. Thus, Applicant respectfully requests removal of the rejections and allowance of Claims 1-5.

Claims 4 and 5 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Regarding Claim 4, the Office Action admits with respect to the rejection of Claims 2-5 under 35 U.S.C. § 112, first paragraph, that the Specification is enabling for a linear acting cylinder and an actuator. The Office Action further states that the linear acting cylinder is a narrower recitation of the actuator. Therefore, merely to move the Application forward Applicant has amended Claim 4 to recite only the broader actuator limitation, which as admitted by the Office Action includes the linear acting cylinder.

Regarding Claim 5, the Office Action admits with respect to the rejection of Claims 2-5 under 35 U.S.C. 112, first paragraph, that the Specification is enabling for a hydraulic device and an electric device.¹ Thus, Applicant has suitably amended Claim 5 to move the Application forward and respectfully requests removal of the rejections to Claims 4 and 5 and their allowance.

Applicant respectfully submits that Claims 1, 4 and 6 are not anticipated by Riekki. For instance, Claim 1 as amended recites a moveable stowage assembly for a vehicle, comprising a longitudinal member configured for moving a stowed item; attachment means for connecting the stowed item to the longitudinal member, the attachment means being adapted to travel along the longitudinal member; first powered means defining a closed loop for moving the attachment means between a stowed position and an access position; a base member secured pivotally to the vehicle, the longitudinal member being moveable over the base member by second powered means for moving the longitudinal member between a stowed position and an access position; means for releasably securing the longitudinal member in the stowed position; first stop means to hold the longitudinal member in an access position on the base member; third powered means for pivotally moving the base member between stowed position and an access position; and second stop means for holding the base member in the access position. Applicant respectfully submits that Riekki fails to disclose or suggest each and every element of Claim 1.

¹ The Office Action states on page 5 that Claim 5 is rejected for reciting an allegedly broader “actuator” and an allegedly narrower “linear cylinder”. Applicant assumes the Office Action unintentionally referred to the subject matter of Claim 4. Instead, Applicant has amended Claim 5 based on the rejections of Claims 2-5 above. Clarification is requested if necessary.

Riekki is directed in general to a motorcycle loading apparatus 10 with a roll-up winch 60 for towing a motorcycle 22 onto a bed 12 of a truck 14. Specifically, a cable 62 is hooked to the motorcycle 22 and rolled up by the winch 60. The cited reference at least does not teach a closed loop. Therefore, Applicant respectfully requests removal of the rejection to Claim 1 and allowance of Claim 1 and its dependent Claims 2-6.

Applicant respectfully submits that Claim 8 is patentable over Riekki and Schatzler et al. Claim 8 as amended recites a moveable stowage assembly for stowing and accessing an item on a roof of a vehicle, the moveable stowage assembly comprising a movable member configured for moveably holding the item; a base member pivotally attached to a roof top of a vehicle, the movable member further configured to traverse the base member to and from a stowed position; an attachment moveably disposed between the movable member and the item, the attachment configured to traverse the movable member with the item between the stowed position and an access position; an actuator attached between the roof top of the vehicle and the base member, the actuator configured for pivoting the base member in a downward direction away from the roof top to the access position to access the item; and a powered closed loop configured to drive the attachment. Applicant respectfully submits that the cited combination of references fails to disclose or suggest each and every element of Claim 8.

Riekki is directed in general to a motorcycle loading apparatus 10 with a roll-up winch 60 for towing a motorcycle 22 onto a bed 12 of a truck 14. Specifically, a cable 62 is hooked to the motorcycle 22 and rolled up by the winch 60. As the Office Action concedes, the cited reference does not teach a closed loop. More specifically, Riekki does not disclose a powered closed loop configured for use on the vehicle roof top.

Additionally, the cited reference does not teach a base member pivotable in a downward direction away from a vehicle roof top.

Applicant respectfully submits that Schatzler et al. fails to cure the deficiencies of Riekki. Schatzler et al. is directed in general to a transport device 1 having a transport belt 5 installed in a trunk space 2 of a vehicle and a transport belt 5' located on a tailgate 4 of the vehicle. Schatzler et al. does not teach a powered closed loop configured for use on the vehicle roof top, nor a base member pivotable in a downward direction away from the vehicle roof top. Therefore, Applicant respectfully submits that Claim 8 patentably defines over the cited combination, and Applicant respectfully requests removal of the rejection to Claim 8 and allowance of Claim 8 and its dependent Claims 9 and 11-12.


Applicant respectfully submits that the present Amendment is fully responsive to the Office Action and places the Application in complete condition for allowance. Applicant invites the Examiner to contact the undersigned at his convenience should he have any questions upon consideration of this Amendment.

Please charge any additional fees required by this Amendment to Deposit Account 04-1403.

Respectfully submitted,

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IN THE DRAWINGS

Applicant proposes amending the drawings in the application as shown in the attached Replacement Figures 1 and 2. Specifically, Applicant proposes adding the letter “V” to identify a portion of a vehicle such as a fire tender in Figures 1 and 2. Applicant respectfully submits that the originally filed Figures 1 and 2 support this change and that no new matter has been added. Therefore, Applicant respectfully requests entry and consideration of Replacement Figures 1 and 2.